

**Terms of Reference for
Fisheries Management Best Practices Workshop
August 19 – 21, 2014**

Purpose

Conduct a workshop of NMFS and Council staff to inform the development of revised Operational Guidelines and to enhance the Magnuson-Stevens Fishery Conservation and Management Act (MSA) fishery management process by identifying nationally adopted approaches and processes as well as transferable, scalable, or adaptable best practices, challenges, and solutions among and across regions.

Background

In 2013, the Inspector General (IG) recommended that NOAA Fisheries finalize the draft Operational Guidelines (OG). The IG report noted that “Without the guidelines, expectations that should be clearly defined and communicated early on—such as responsibility between NMFS and the FMCs for preparation of documents supporting fishery management decisions and designation of which reports need to be produced by which entity and with what frequency (e.g., Stock Assessment and Fishery Evaluation reports and fishery performance reports)—may not be stated and understood.” Further, “...communicating and documenting processes and expectations should give NOAA a better opportunity to identify necessary tasks and ensure they are appropriately assigned and completed.”

In response to the IG report, NOAA indicated that it did not plan to finalize the 2005 draft version of revised operational guidelines (NOAA Audit Action Plan 3/15/13) and stated that instead, “NOAA plans to review and assess the experiences of NMFS Regions, NOAA GC, and Councils including identifying the best practices and considering additional opportunities for increasing streamlining and transparency in the fishery management process. NOAA will develop new guidelines based on this review, and consistent with agency resources, will identify any additional opportunities for further streamlining and increasing transparency and will work to improve current procedures and requirements. NOAA will complete this review and revision in close coordination with the Regional Councils.”

Since May 2013, a working group consisting of NMFS staff and a Subcommittee of the CCC has worked to identify objectives for the revised operational guidelines and identify alternatives for achieving those objectives. The working group identified 4 alternatives based on the approaches used in the 1997 Operational Guidelines, the 2005 draft revised Operational Guidelines, the 2013 Policy Directive on NEPA, and a new approach that would build on successes from previous approaches, weave together good tools and guidance without being overly prescriptive, and provide one-stop shopping for guidance on integrating all OALs. In support of these efforts, the CCC subcommittee worked with the councils to prepare a draft table to describe the existing decision making process used by each Council.

In February, 2014, the CCC considered the 4 alternatives and expressed a preference for the 4th alternative. However, many gaps remain in the body of that alternative and a need exists for detailed input from front line staff who have a working knowledge of the MSA regulatory procedures. The working group discussed the benefits of convening a National Workshop to build on the Subcommittee’s initial comparative work, to identify common challenges, and strategies for success which could further inform the development of Operational Guidelines. The councils and agency may also want to consider a process for continuous improvement among councils and the Agency at the regional and national level.

Objectives for the Workshop

- Identify common challenges;
- Discuss the value of, and process for, identifying and applying best practices;
- Consider best practices in use and important flexibilities to maintain;
- Identify opportunities to improve process and transparency of process;
- Develop an objective map of the process (high level; adapt 1997 phases and/or 2005 table)
- Identify next steps and potential strategies for continuous improvement
- Provide NMFS concrete direction to begin drafting Operational Guidelines

Participants

The total number of participants will be 25-30 people and should include experienced representatives from each of the following:

- NMFS HQ
- NMFS Regional Offices
- FMC staff
- NOAA GC

Potential Topics

Top points of difference from RFMC Comparison Matrix:

Council Operations and Management Processes

- Public hearing use and organization
- Use of committees: Consistency and Function
- Scoping/Background documents: Preparation and Terminology
- Development of purpose and need and alternatives
- Review and revision of initial drafts
- Dissemination and public consumption of documents for Council action

Council, NMFS, and NOAA General Counsel Efficiency and Transparency

- Improving timeline and identification of problems/issues for Council action
- Improving timeline from Council final action to implementation of regulations
- Frontloading: Do Council and NMFS staff meet early in the process to identify concerns/pitfalls (i.e., action planning or frontloading)? Is there an Action Plan developed before an analysis is prepared?
- Performing integrated analyses; reviews/analyses required by different laws/Eos
- Standard templates: useful for analyses or for transparency to public
- Executive Summaries: useful for analyses or for transparency to public

Short and Long Term Strategic Planning for Fisheries Management

- Is there strategic planning regarding timing and tasking of issues?
- Does the Council have long term strategic plan or vision statement?

Products Needed in Advance of Workshop (all Products due by July 18, 2014)

- Draft Table of Contents for Revised Operational Guidelines
- Reports on Topics identified by CCC (e.g., development of documentation; interactions between Councils and regional offices)

- Finalized Comparative Table of Council Processes
- Best practices literature
- Others to be specified by CCC [What materials/report/documents/examples do we need to move the process forward]

Outputs

Recommendations pertaining to OGs and other forms of sharing information

Next steps for supporting follow-through on workshop outcomes

Process for promoting and achieving continuous improvement